



# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 70202	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP 03/14757	International filing date (day/month/year) 22.12.2003	Priority date (day/month/year) 23.12.2002
International Patent Classification (IPC) or both national classification and IPC C07C43/225		
Applicant SYNGENTA PARTICIPATIONS AG		
<p>1. This International preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>		
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input checked="" type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>		
Date of submission of the demand  18.06.2004	Date of completion of this report  04.02.2005	
Name and mailing address of the International preliminary examining authority:   European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer  Bueno Torres, M  Telephone No. +49 89 2399-8290 	

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/EP:03/14757

## I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17):*

### Description, Pages

1-80 as originally filed

### Claims, Numbers

1-9 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item:

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

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**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes: Claims	
	No: Claims	1-9
Inventive step (IS)	Yes: Claims	
	No: Claims	1-9
Industrial applicability (IA)	Yes: Claims	1-9
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

**VI. Certain documents cited**

**1. Certain published documents (Rule 70.10)**

**and /or**

**2. Non-written disclosures (Rule 70.9)**

**see separate sheet**

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V. i) The following documents have been taken into consideration:

- D1: DATABASE CA [Online] CHEMICAL ABSTRACTS SERVICE, COLUMBUS, OHIO, US; SUZUKI, MASAYA: 'Pyridinyl-containing chlorobenzenes and insecticides containing them' retrieved from STN Database accession no. 138:233426 CA XP002278545 & JP 2003 081942 A (SUMITOMO CHEMICAL CO., LTD., JAPAN) 19 March 2003 (2003-03-19).
- D2: DATABASE CA [Online] CHEMICAL ABSTRACTS SERVICE, COLUMBUS, OHIO, US; KATSURADA, MANABU ET AL: 'Preparation of dihalopropenyloxybenzene derivatives and pesticides containing the same as the active ingredient' retrieved from STN Database accession no. 135:46183 CA XP002278546 & WO 2001/044154 A (MITSUBISHI CHEMICAL CORPORATION, JAPAN) 21 June 2001 (2001-06-21)
- D3: WO 02/17712 A (FMC CORP) 7 March 2002 (2002-03-07).

- ii) The subject-matter of claims 1-6 does not fulfil the requirements of Art. 33(2)PCT, since it lacks novelty vis-à-vis D2 and D3 (see compounds **RN34520-99-9 of D2 and compound 61 of D3**).

The compounds of D2 and D3 have been already disclosed as **pesticides**. Therefore, the subject-matter of claims 7-9 does not fulfil the requirements of Art. 33(2)PCT, since it also lacks novelty vis-à-vis D2 and D3.

Having regard for the above lack of novelty, the requirements of Art. 33(3)PCT are not considered to have been satisfied.

**Remarks:** No objections under industrial applicability of the present subject-matter.

- VI** For the purposes of this report it has been considered that the priority date of 23/12/02 has been validly claimed. If this were not the case D1 (published on 19/03/03) could become relevant at the regional phase.